IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 16306 of 2004

Between:

B.Rami Reddy, s/o Butchi Reddy,
r/o Flat No.G1, Sri Sai Nilayam,

Vijayapuri Colony, Kothapet, Hyderabad-35.

..... PETITIONER

AND

1 Govt. of Andhra Pradesh

rep., by its Secretary Revenue (Urban Land Ceiling-II) Department,
Secretariat, Hyderabad.
2 The Commissioner, Urban Land Ceiling, Andhra Pradesh, Hyderabad.
3 The Component Authority, Urban Land Ceiling, A.P.,Hyderabad.
4 The Mandal Revenue Officer, Saidabad Mandal, Hyderabad District.
5 Municipal Corporation of Hyderabad, rep., by its Commissioner, Hyderabad.
6 The Vice-Chairman, Quli Qutub Shahi Urban Development Authority, Dar-ul-Shafa,Hyderabad.
7 Vice-Chairman, HUDCO, Nampally, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders or writ especially, one in the nature of writ of mandamus, declaring the action of the respondents is as illegal, arbitrary and violative of Article 14 & 21 of the Constitution of India and with a direction to the respondents not to

assign/allot the residential portions constructed in Plot No.47.

Counsel for the Petitioner:MR.T.V.P.PRABHAKAR

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: MR. GANTA RAMA RAO

Counsel for the Respondent No.6: MR. P.HARNITH GUPTHA

Counsel for the Respondent No.7:-----

The Court at the stage of admission made the following order:

The petitioner is the owner of plot No.48 in Survey Nos.48, 50, 54 to 60 situated at Saidabad Revenue Village. He purchased the said plot from Kothapeta Co-operative Housing Society Limited, Hyderabad. He claims that he purchased another plot bearing No.47 from Mr. A.V.Sudhakar Reddy by way of agreement of sale in the month of April, 1993. Since then, he is in possession of the said property and constructed a shed in it. While so, the respondent Nos.4, 6 and 7 started construction of four portions in plot No.47, which claimed to be purchased by the petitioner, and the said portions are likely to be assigned or allotted to the backward classes. In view of the same, he moved this Court by way of present writ petition.

The petitioner states that Kothapeta Co-operative Housing Society Limited, Hyderabad purchased 7.23 acres of land in Survey Nos.54, 56, 57, 58 and 60 and filed WP.No.6854 of 1983 questioning G.O.Ms.No.964, dated 27-06-1993, wherein, the request from the land owners for exemption was rejected under Section 2(1)(a) of the Urban Land (Ceiling and Regulation) Act, 1976 and the writ petition was accordingly ordered, which is not concerned with the present writ petition. Similarly, the said society filed WP.No.35896 of 1997 before this Court and obtained interim direction dated 03-02-1998 to the respondents not to assign the land in Survey Nos.54, 56, 57, 58 and 60. The same is also not helpful to the petitioner to claim that he is owner of the property in plot No.47. Admittedly, the same was not purchased from the society nor it is stated that the said plot forms part of Survey Nos.54, 56, 57, 58 and 60. The questions as to whether the plot in question is situated in Survey Numbers 48, 50, 54 to 60 and whether the petitioner acquires any title under the agreement of sale cannot be gone into in the present writ petition. The proper remedy for the petitioner is to move the competent civil Court and seek appropriate

relief.

With the above observation, the writ petition is dismissed. No costs.

13th SEPTEMBER, 2004.

kvni

To

1 The Secretary, Govt. of Andhra Pradesh

Revenue (Urban Land Ceiling-II) Department,
Secretariat, Hyderabad.
2 The Commissioner, Urban Land Ceiling, Andhra Pradesh, Hyderabad.
3 The Component Authority, Urban Land Ceiling, A.P.,Hyderabad.
4 The Mandal Revenue Officer, Saidabad Mandal, Hyderabad District.
5 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
6 The Vice-Chairman, Quli Qutub Shahi Urban Development Authority, Dar-ul-Shafa,Hyderabad.
7 The Vice-Chairman, HUDCO, Nampally, Hyderabad.

8 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad. (OUT)

9 Two CD copies.